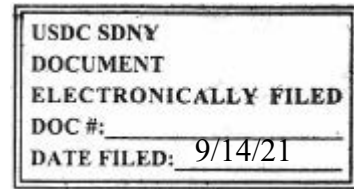


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Elizabeth Abrams, et al.,

Plaintiffs,

—v—

Richard Carranza, et al.,

Defendants.

19-CV-4175 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Plaintiffs filed this action under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*, against Defendants Richard Carranza and the New York City Department of Education on May 8, 2019, seeking Defendants’ compliance with an Interim Order on Pendency to fund the placement of a student, A.A., at the International Institute for the Brain. Dkt. No. 1. The Court on June 6, 2019, granted Plaintiffs’ motion for a preliminary injunction and ordered Defendants to implement immediately the Interim Order on Pendency. Dkt. No. 26. The Court on January 22, 2020, dismissed the case with prejudice pursuant to the parties’ joint stipulation of settlement. Dkt. No. 55.

Defendants stopped funding A.A.’s placement in March 2020 as the spread of COVID-19 caused many schools in New York City to close. Pls. Br. at 2–3, Dkt. No. 60. After efforts to meet and confer over A.A.’s funding were unsuccessful, Plaintiffs and others similarly situated filed a separate suit to enforce Defendants’ funding obligations, including their obligation under this Court’s June 6, 2019 Order. *Id.* at 5. That suit was removed to federal court in July 2020 and is currently pending before Judge Oetken. *Abrams v. Carranza*, No. 20-CV-05085 (S.D.N.Y.). Plaintiffs twice requested preliminary injunctive relief, which Judge Oetken twice

denied, finding that Plaintiffs were not at risk of suffering any irreparable harm. *Id.*, Dkt. Nos. 18, 44. Plaintiffs filed an interlocutory appeal of the second denial of injunctive relief, which is scheduled for oral argument on October 28, 2021. *Abrams v. Carranza*, No. 20-3899 (2d Cir.).

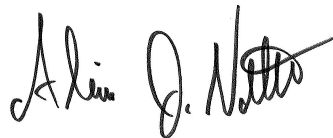
On January 25, 2021, Plaintiffs moved to reopen the case before this Court and to find Defendants in civil contempt. Dkt. Nos. 57–58, 60. The Government filed a response on February 12, 2021, Dkt. No. 64, and Plaintiffs filed a reply on February 19, 2021, Dkt. No. 65. Meanwhile, the parties engaged in extensive discovery before Judge Oetken, which concluded on March 8, 2021. *Abrams v. Carranza*, No. 20-CV-05085, Dkt. No. 62. Plaintiffs on May 13, 2021, filed a motion for summary judgment. *Id.*, Dkt. No. 90. That pending motion presents the precise issue raised in Plaintiffs’ requests for a preliminary injunction and raised in their briefing before this Court. *See* Memorandum of Law in Support of Motion for Summary Judgment, No. 20-CV-05085, Dkt. No. 91.

The Court will not duplicate litigation of the same issues here. The Court therefore DENIES Plaintiffs’ motions.

This resolves docket numbers 57, 58, and 60.

SO ORDERED.

Dated: September 14, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

ALISON J. NATHAN
United States District Judge